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DISTRICT NO. 40

EXEMPT FROM FILING FEES
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COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:
Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Los
Angeles, Case No. BC 325201;

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
No. S-1500-CV-254-348;

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**DECLARATION OF MICHAEL SMITH IN
LIEU OF DEPOSITION TESTIMONY FOR
PHASE 4 TRIAL**

DECLARATION

I, Michael Smith, declare:

1. I am a project coordinator of Triple M Property FKA 3M Property Investment Co. ("Triple M"), a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. Triple M owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Kern County and is identified by the following APN/APNs: 359-020-05.

3. Triple M claims groundwater rights only as to the properties listed in Paragraph 2.

4. For each APN/APNs identified above, the total acreage by parcel is approximately 332 acres.

5. For each APN/APNs identified above Triple M owned the property during the following timer period: Since October 1989.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present: Triple M.

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time: Since October 1989.

Leases

8. _____ (declarant or party affiliated with declarant) leases property that _____ own and that overlies the Antelope Valley Area of Adjudication as decided by this court and identified by the following APNS:

_____.

9. The total acreage by parcel is:

_____.

10. The property is currently leased to:

11. The property was leased on the following dates:

12. The lease provides that _____ may claim groundwater rights from the use of water on the leased property. Attached to this declaration is a true and correct copy of the lease.

[If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is attached hereto and incorporated herein.

13. John Calandri Farms Inc. leased property from Triple M which overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by the following APNS: 359-020-05. The property was leased from January 1996 through December 2001.

14. The total acreage by parcel is: Approximately 332 acres.

15. The Lease provided that Triple M may claim groundwater rights from use of water on leased property.

[If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is attached hereto and incorporated herein.

16. _____ claims groundwater rights only as to the leasehold interests listed in Paragraph 15 and Exhibit D.

17. _____ claims groundwater rights only as to the properties listed in Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

18. To the best of my knowledge, only Triple M claims groundwater rights as to the leased parcel(s) identified in paragraph 15 and Exhibit D.

Water Meter Records

1 N/A.

2 **State Water Project Purchases**

3 N/A.

4 **Pump Tests/ Electric Records**

5 N/A.

6 **Pump Tests/Diesel Records**

7 N/A.

8 **Crop Duties and Irrigated Acres**

9 19. In order to calculate water use on the properties referenced above, Triple M relies on the
10 amount of acres in irrigation on the properties referenced above multiplied by the crop duty
11 identified in the State Water Resources Control Board Notice of Extraction in Antelope Valley, a
12 true and correct copy of which is attached to this declaration as Exhibit M.

13 **Other Sources of Water**

14 N/A.

15 **Use of Water** *(Complete for each APN. If water for used for multiple purposes, identify*
16 *the amount of water for each use.)*

17 20. Triple M used 30 acre feet of water on APN# 359-020-05 in 2000. The water was used
18 for the following: domestic use for 3 bedroom home, barrack building, barn/workshop, &
19 irrigation.

20 21. Triple M used 30 acre feet of water on APN# 359-020-05 in 2001. The water was used for
21 the following: domestic use for 3 bedroom home, barrack building, barn/workshop, & irrigation.

22 22. Triple M used 30 acre feet of water on APN# 359-020-05 in 2002 The water was used for
23 the following: domestic use for 3 bedroom home, barrack building, barn/workshop, & irrigation.

24 23. Triple M used 30 acre feet of water on APN# 359-020-05 in 2003. The water was used for
25 the following: domestic use for 3 bedroom home, barrack building, barn/workshop, & irrigation.

26 24. Triple M used 30 acre feet of water on APN# 359-020-05 in 2004. The water was used
27 for the following: domestic use for 3 bedroom home, barrack building, barn/workshop, &
28 irrigation.

1 25. Triple M used 30 acre feet of water on APN# 359-020-05 in 2011. The water was used for
2 the following: domestic use for 3 bedroom home, barrack building, barn/workshop, & irrigation.

3 26. Triple M used 30 acre feet of water on APN# 359-020-05 in 2012. The water was used for
4 the following: domestic use for 3 bedroom home, barrack building, barn/workshop, & irrigation.

5 27. Other than what is declared hereinabove, Triple M did not produce or use water within the
6 Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

7
8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct. Executed this 25th day of January 2013, at Palos Verdes Estates,
10 California.

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